



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1360 of 2021

and

C.M.P (MD) .No.5695 of 2021

Andiyappan

... Appellant/Petitioner

Vs.

1. The Tahsildar,
Vedachandur Taluk,
Dindigul District.

2. The Taluk Surveyor,
Vedachandur Taluk,
Dindigul District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.1163 of 2021, dated 10.03.2021.

Prayer in WP(MD) . 1163/ 2021:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to survey and fix the boundaries of the land in Survey Nos. 1661/1B, 1661/2B, 1661/2E belonged to the petitioner situate at Vadamadurai Village, Dindigul Dt within the period that may be stipulated by this Honble Court and may pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

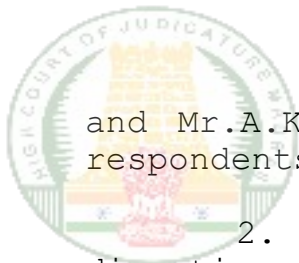
For Appellant	: Mr.Balakrishnan, for Mr.K.P.Narayanakumar
For Respondents	: Mr.A.K.Manickam, Standing Counsel for Government

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.Balakrishnan, learned counsel for Mr.K.P.Narayanakumar, learned counsel appearing for the appellant

<https://hcservices.ecourts.gov.in/Hcservices/>



and Mr.A.K.Manickam, learned Government Counsel appearing for the respondents.

2. The petitioner approached the Writ Court seeking for a direction upon the respondents to survey and fix the boundaries of the land in question. The writ petition was dismissed by taking note of the submission made by the learned Governance Counsel that the Tahsildar has reported that there are discrepancies in the boundaries. Soon after the writ petition was dismissed, the Tahsildar has rejected the representation given by the petitioner and directed the petitioner to approach the Revenue Divisional Officer. Challenging the said order, W.P(MD).No.10751 of 2021 has been filed, in which, notice has been ordered.

3. The rival claimant is also the respondent in the said writ petition. We find that the relief sought for by the writ petitioner is an innocuous relief and admittedly, as on the date when the representation was made by the petitioner for surveying and fixing the boundaries, no proceedings were initiated by the Tahsildar, intimating the petitioner about any discrepancy in the boundaries.

4. Therefore, firstly a survey was required to be conducted to ascertain the boundaries and if there is any dispute, then the appellant should have been put on notice. In any event, the first respondent has now passed an order, which has been challenged in W.P (MD).No.10751 of 2021.

5. Therefore, we dispose of this writ appeal with an observation that it is open to the appellant to canvass all points in the pending writ petition including the grounds which have been canvassed in this writ appeal. With this liberty, this **Writ Appeal stands disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1. The Tahsildar,
Vedachandur Taluk,
Dindigul District.

2. The Taluk Surveyor,
Vedachandur Taluk,
Dindigul District.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-22754[F] dated 15/07/2021)

+1 CC to M/s.SPL GP (SR-22701[F] dated 15/07/2021)

W.A. (MD)No.1360 of 2021
13.07.2021

RC (23.07.2021) 3P-5C